

NOV 10 2009



#388

THE COMMONWEALTH OF MASSACHUSETTS
Office of the Secretary of State

Notice of Compliance

Regulation Filing To be completed by filing agency

CHAPTER NUMBER: 130 CMR 815.000

CHAPTER TITLE: MassHealth: General Policies

AGENCY: Division of Medical Assistance

THIS REGULATION WAS ORIGINALLY ADOPTED AS AN EMERGENCY:

Published in the Massachusetts Register Number: 904 Date: 9/18/00

PRIOR NOTIFICATION AND/OR APPROVAL

If prior notification to and/or approval of the Governor, legislature or others was required, list each notification, approval and date, including notice to the Local Government Advisory Commission:

- Executive Office of Communities and Development: 9/15/00
- Massachusetts Municipal Association: 9/18/00
- Executive Order 384: 7/19/00

PUBLIC REVIEW

Was notice of the hearing or comment period filed with the Secretary of State published in appropriate newspapers and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period?

Yes Date of public hearing or comment period: 9/15/00 - 10/6/00

Publication To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 908 DATE: 11/10/00

EFFECTIVE DATE: 8/31/00

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages: CMR: Vol.	Insert these pages:
771 - 774	771 - 774

A TRUE COPY ATTEST

William Francis Calvin

WILLIAM FRANCIS CALVIN
SECRETARY OF THE COMMONWEALTH

DATE 10/18/00 CLERK KCR

130 CMR 515.000: MASSHEALTH: GENERAL POLICIES

Section

- 515.001: Definition of Terms
- 515.002: Introduction to MassHealth
- 515.003: MassHealth Coverage Types
- 515.004: Administration of MassHealth
- 515.005: Receiving Public Assistance from Another State
- 515.006: Massachusetts Commission for the Blind
- 515.007: Rights of Applicants and Members
- 515.008: Responsibilities of Applicants and Members
- 515.009: Referrals to Investigative Units
- 515.010: Recovery of Overpayment of Medical Benefits
- 515.011: Estate Recovery
- 515.012: Real Estate Liens
- 515.013: Voter Registration
- 515.014: Long-Term-Care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515.001: Definition of Terms

The terms listed below have the following meanings for purposes of MassHealth as described in 130 CMR 515.000 through 523.000.

Activities of Daily Living (ADLs) — self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting.

Affidavit — a written or printed statement of fact sworn to or affirmed before a person having legal authority to administer such an oath.

Annuity — a legal instrument that pays a fixed sum in regular, periodic installments for a designated period of time or for life.

Appeal — a written request by an aggrieved applicant or member for a fair hearing.

Applicant — a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application — a form prescribed by the Division to be completed by the applicant or a representative, and submitted to the Division as a request for MassHealth benefits.

Asset Limit — the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets — property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).

Available — a resource that is countable under Title XIX of the Social Security Act.

Blindness — a visual impairment as defined in Title XVI of the Social Security Act. Generally, "blindness" means visual acuity with correction of 20/200 or less in the better eye, or a peripheral field of vision contracted to a 10° radius or less, regardless of the visual acuity.

Burial Trust — a trust established by an individual solely for funeral expenses, burial expenses, or both.

Business Day — any day during which the Division's offices are open to serve the public.

Caretaker Relative — an adult who is the primary care giver for a child, is related to the child by blood, adoption, or marriage, or is a spouse or former spouse of one of those relatives, and lives in the same home as that child, provided that neither parent is living in the home.

NOV 08 2002

#467



THE COMMONWEALTH OF MASSACHUSETTS
Office of the Secretary of State

Notice of Compliance

Regulation Filing To be completed by filing agency

CHAPTER NUMBER: 130 CMR 515.000

CHAPTER TITLE: MassHealth: General Policies

AGENCY: Division of Medical Assistance

THIS REGULATION WAS ORIGINALLY ADOPTED AS AN EMERGENCY:

Published in the Massachusetts Register Number: 956 Date: 9/13/02

PRIOR NOTIFICATION AND/OR APPROVAL

If prior notification to and/or approval of the Governor, legislature or others was required, list each notification, approval and date, including notice to the Local Government Advisory Commission:

Executive Office of Communities and Development: 9/27/02
Massachusetts Municipal Association: 9/27/02
Executive Order 384: 6/19/02 and 7/10/02

PUBLIC REVIEW

Was notice of the hearing or comment period filed with the Secretary of State published in appropriate newspapers and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period?

Yes Date of public hearing or comment period: 9/27/02-10/18/02

Publication To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 960 DATE: 11/8/02

EFFECTIVE DATE: 09/01/02

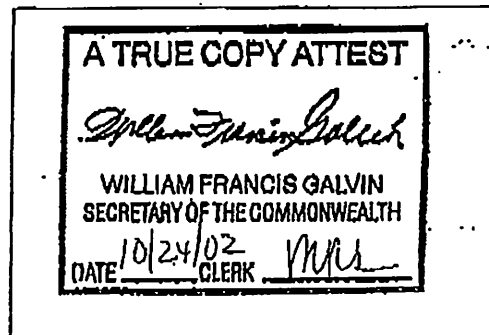
CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:
CMR: Vol.

Insert these pages:

771 - 778.4

771 - 778.4



NOV 08 2002

130 CMR: DIVISION OF MEDICAL ASSISTANCE

130 CMR 515.000: MASSHEALTH: GENERAL POLICIES

Section

- 515.001: Definition of Terms
- 515.002: Introduction to MassHealth
- 515.003: MassHealth Coverage Types
- 515.004: Administration of MassHealth
- 515.005: Receiving Public Assistance from Another State
- 515.006: Massachusetts Commission for the Blind
- 515.007: Rights of Applicants and Members
- 515.008: Responsibilities of Applicants and Members
- 515.009: Referrals to Investigative Units
- 515.010: Recovery of Overpayment of Medical Benefits
- 515.011: Estate Recovery
- 515.012: Real Estate Liens
- 515.013: Voter Registration
- 515.014: Long-term-care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515.001: Definition of Terms

The terms listed in 130 CMR 515.001 have the following meanings for purposes of MassHealth, as described in 130 CMR 515.000 through 522.000.

Activities of Daily Living (ADLs) — self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting.

Affidavit — a written or printed statement of fact sworn to or affirmed before a person having legal authority to administer such an oath.

Annuity — a legal instrument that pays a fixed sum in regular, periodic installments for a designated period of time, or for life.

Appeal — a written request, by an aggrieved applicant or member, for a fair hearing.

Appeal Representative — a person who:

- (1) is sufficiently aware of the appellant's circumstances to assume responsibility for the accuracy of the statements made during the appeal process, and who has provided the Board of Hearings with written authorization from the appellant to act on the appellant's behalf during the appeal process;
- (2) has, under applicable law, authority to act on behalf of an appellant in making decisions related to health care or payment for health care. An appeal representative may include, but is not limited to, a guardian, conservator, executor, administrator, holder of power of attorney, or health-care proxy; or
- (3) is an eligibility representative meeting the requirements of 130 CMR 515.001: Appeal Representative(1) or (2).

Applicant — a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application — see "MassHealth Application."

Asset Limit — the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets — property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).

Available — a resource that is countable under Title XIX of the Social Security Act.

ACT 10 2003



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 130 CMR 515.000

CHAPTER TITLE: General Policies

AGENCY: Division of Medical Assistance

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*

130 CMR 515.000 through 522.000 (Volume II) provide the MassHealth requirements for persons who are institutionalized, aged 65 or older, or who would be institutionalized without community-based services as defined by Title XIX of the Social Security Act. The revisions allow members to appeal the Division's decision to recover payment for medical benefits to which the member was not entitled at the time the benefit was received.

REGULATORY AUTHORITY: M.G.L. c. 118E, ss. 7 and 12

AGENCY CONTACT: Publications Unit

PHONE: 617-210-5650

ADDRESS: 600 Washington Street, Boston, MA 02111

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *If this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

Executive Order 384: Final Review submitted on 9/18/03

Executive Office of Communities and Development: notice sent 4/11/03

Massachusetts Municipal Association: notice sent 4/11/03

PUBLIC REVIEW- *M.G.L. c. 30A, §§ 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and set to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: 4/11/03—5/2/03

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: _____

For the first five years: _____

No fiscal effect: This is correct.

SMALL BUSINESS IMPACT - State the impact of this regulation on small business. Include a description of reporting, record keeping and other compliance requirements as well as the appropriateness of performance versus design standards and whether this regulation duplicates or conflicts with any other regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation:

N/A

PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) to repeal, replace or amend. List by CMR number:

This regulations amends 130 CMR 501.000 by revising Subsection 130 CMR 515.010.

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: Barn Waldman DATE: 9/26/03

Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 984 DATE: 10/10/03

EFFECTIVE DATE: 10/10/03

CODE OF MASSACHUSETTS REGULATIONS

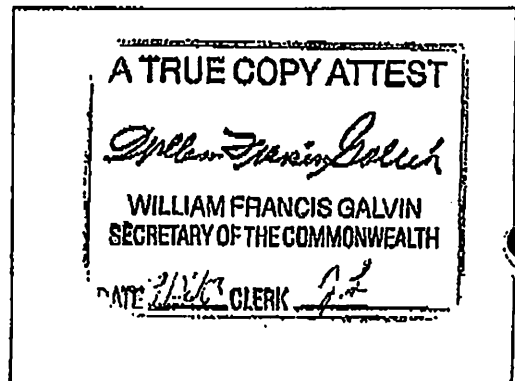
Remove these pages: | Insert these pages:

771-772

771-772

778.1-778.2

778.1-778.2



130 CMR 515.000: MASSHEALTH: GENERAL POLICIES

Section

- 515.001: Definition of Terms
- 515.002: Introduction to MassHealth
- 515.003: MassHealth Coverage Types
- 515.004: Administration of MassHealth
- 515.005: Receiving Public Assistance from Another State
- 515.006: Massachusetts Commission for the Blind
- 515.007: Rights of Applicants and Members
- 515.008: Responsibilities of Applicants and Members
- 515.009: Referrals to Investigative Units
- 515.010: Recovery of Overpayment of Benefits
- 515.011: Estate Recovery
- 515.012: Real Estate Liens
- 515.013: Voter Registration
- 515.014: Long-term-care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515.001: Definition of Terms

The terms listed in 130 CMR 515.001 have the following meanings for purposes of MassHealth, as described in 130 CMR 515.000 through 522.000.

Activities of Daily Living (ADLs) — self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting.

Affidavit — a written or printed statement of fact sworn to or affirmed before a person having legal authority to administer such an oath.

Annuity — a legal instrument that pays a fixed sum in regular, periodic installments for a designated period of time, or for life.

Appeal — a written request, by an aggrieved applicant or member, for a fair hearing.

Appeal Representative — a person who:

- (1) is sufficiently aware of the appellant's circumstances to assume responsibility for the accuracy of the statements made during the appeal process, and who has provided the Board of Hearings with written authorization from the appellant to act on the appellant's behalf during the appeal process;
- (2) has, under applicable law, authority to act on behalf of an appellant in making decisions related to health care or payment for health care. An appeal representative may include, but is not limited to, a guardian, conservator, executor, administrator, holder of power of attorney, or health-care proxy; or
- (3) is an eligibility representative meeting the requirements of 130 CMR 515.001: Appeal Representative(1) or (2).

Applicant — a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application — see "MassHealth Application."

Asset Limit — the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets — property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).

Available — a resource that is countable under Title XIX of the Social Security Act.

SEP 22 2006

#722



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth

Notice of Compliance

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 130 CMR 515.000

CHAPTER TITLE: MassHealth: General Policies

AGENCY: Division of Medical Assistance

THIS REGULATION WAS ORIGINALLY ADOPTED AS AN EMERGENCY:

Published in Massachusetts Register Number: 1056 Date: 07/14/06

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

- Executive Office of Communities and Development: 06/14/06
- Massachusetts Municipal Association: 06/30/06
- Executive Order 384: 06/30/06

PUBLIC REVIEW - *M.G.L. c. 30A, §§ 2 and/or 3 requires notice of the hearing or comment period to be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and set to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: 07/01/06 through 08/08/06

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: #1061 DATE: 9/22/06

EFFECTIVE DATE: 2/8/06

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages: | *Insert these pages:*

771, 772
775, 776

771, 772
775, 776

A TRUE COPY ATTEST

William Francis Galvin

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 9/8/06 CLERK MRL

SEP 22 2006

130 CMR: DIVISION OF MEDICAL ASSISTANCE

130 CMR 515.000: MASSHEALTH: GENERAL POLICIES

Section

- 515.001: Definition of Terms
- 515.002: Introduction to MassHealth
- 515.003: MassHealth Coverage Types
- 515.004: Administration of MassHealth
- 515.005: Receiving Public Assistance from Another State
- 515.006: Massachusetts Commission for the Blind
- 515.007: Rights of Applicants and Members
- 515.008: Responsibilities of Applicants and Members
- 515.009: Referrals to Investigative Units
- 515.010: Recovery of Overpayment of Benefits
- 515.011: Estate Recovery
- 515.012: Real Estate Liens
- 515.013: Voter Registration
- 515.014: Long-term-care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515.001: Definition of Terms

The terms listed in 130 CMR 515.001 have the following meanings for purposes of MassHealth, as described in 130 CMR 515.000 through 522.000.

Activities of Daily Living (ADLs) - self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting.

Affidavit - a written or printed statement of fact sworn to or affirmed before a person having legal authority to administer such an oath.

Annuity - a legal instrument that makes payments for a designated period of time or for life, regardless if the payments are principal, interest, or both.

Appeal - a written request, by an aggrieved applicant or member, for a fair hearing.

Appeal Representative - a person who:

- (1) is sufficiently aware of the appellant's circumstances to assume responsibility for the accuracy of the statements made during the appeal process, and who has provided the Board of Hearings with written authorization from the appellant to act on the appellant's behalf during the appeal process;
- (2) has, under applicable law, authority to act on behalf of an appellant in making decisions related to health care or payment for health care. An appeal representative may include, but is not limited to, a guardian, conservator, executor, administrator, holder of power of attorney, or health-care proxy; or
- (3) is an eligibility representative meeting the requirements of 130 CMR 515.001: Appeal Representative(1) or (2).

Applicant - a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application - see "MassHealth Application."

Asset Limit - the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets - property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).

Available - a resource that is countable under Title XIX of the Social Security Act.



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth

2009-110
Notice of Compliance

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 130 CMR 515.000

CHAPTER TITLE: MassHealth: General Policies

AGENCY: Division of Medical Assistance

THIS REGULATION WAS ORIGINALLY ADOPTED AS AN EMERGENCY:

Published in Massachusetts Register Number: 1142 *Date:* 10/30/2009

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

Executive Order 485: 07/23/09
Executive Office of Communities and Development: 10/02/09
Massachusetts Municipal Association: 10/02/09

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: 10/16/09-11/06/09

AGENCY CONTACT: Sharon Johnson, MassHealth Publications PHONE: 617-210-5650

ADDRESS: 600 Washington Street, Boston, MA 02111

ATTESTATION - *The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.* ATTEST:

SIGNATURE: *Sharon L. Johnson* DATE: 11-19-09

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: 1145 DATE: 12/11/09

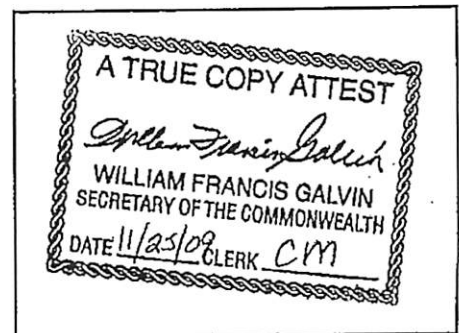
EFFECTIVE DATE: 12/1/08

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages: _____ Insert these pages: _____

771, 772
777, 778

771, 772
777, 778



130 CMR: DIVISION OF MEDICAL ASSISTANCE

130 CMR 515.000: MASSHEALTH: GENERAL POLICIES

Section

- 515.001: Definition of Terms
- 515.002: Introduction to MassHealth
- 515.003: MassHealth Coverage Types
- 515.004: Administration of MassHealth
- 515.005: Receiving Public Assistance from Another State
- 515.007: Rights of Applicants and Members
- 515.008: Responsibilities of Applicants and Members
- 515.009: Referrals to Investigative Units
- 515.010: Recovery of Overpayment of Benefits
- 515.011: Estate Recovery
- 515.012: Real Estate Liens
- 515.013: Voter Registration
- 515.014: Long-term-care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515.001: Definition of Terms

The terms listed in 130 CMR 515.001 have the following meanings for purposes of MassHealth, as described in 130 CMR 515.000 through 522.000.

Activities of Daily Living (ADLs) - self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting.

Affidavit - a written or printed statement of fact sworn to or affirmed before a person having legal authority to administer such an oath.

Annuity - a legal instrument that makes payments for a designated period of time or for life, regardless if the payments are principal, interest, or both.

Appeal - a written request, by an aggrieved applicant or member, for a fair hearing.

Appeal Representative - a person who:

- (1) is sufficiently aware of the appellant's circumstances to assume responsibility for the accuracy of the statements made during the appeal process, and who has provided the Board of Hearings with written authorization from the appellant to act on the appellant's behalf during the appeal process;
- (2) has, under applicable law, authority to act on behalf of an appellant in making decisions related to health care or payment for health care. An appeal representative may include, but is not limited to, a guardian, conservator, executor, administrator, holder of power of attorney, or health-care proxy; or
- (3) is an eligibility representative meeting the requirements of 130 CMR 515.001: Appeal Representative(1) or (2).

Applicant - a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application - see "MassHealth Application."

Asset Limit - the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets - property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).

Available - a resource that is countable under Title XIX of the Social Security Act.

APR 30 2010

Docket # 857



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth

Notice of Compliance

Regulation Filing To be completed by filing agency

CHAPTER NUMBER: 130 CMR 515.000

CHAPTER TITLE: MassHealth: General Policies

AGENCY: Division of Medical Assistance

THIS REGULATION WAS ORIGINALLY ADOPTED AS AN EMERGENCY:

Published in Massachusetts Register Number: 1150 Date: 02/19/2010

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

Executive Order 485: 12/11/09
Executive Office of Communities and Development: 02/05/10
Massachusetts Municipal Association: 02/05/10

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: 02/05/10-02/26/10

AGENCY CONTACT: Sharon Johnson, MassHealth Publications PHONE: 617-210-5650

ADDRESS: 600 Washington Street, Boston, MA 02111

ATTESTATION - *The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.* ATTEST:

SIGNATURE: *Sharon L. Johnson* DATE: 4-12-10

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: 1155 DATE: 4/30/10

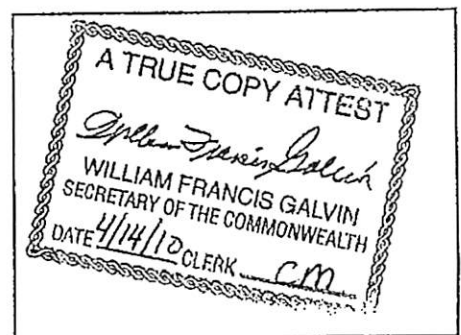
EFFECTIVE DATE: 7/1/09

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages: _____ Insert these pages: _____

771, 772
778.1 - 778.6

771, 772
778.1 - 778.6



130 CMR: DIVISION OF MEDICAL ASSISTANCE

130 CMR 515.000: MASSHEALTH: GENERAL POLICIES

Section

- 515.001: Definition of Terms
- 515.002: Introduction to MassHealth
- 515.003: MassHealth Coverage Types
- 515.004: Administration of MassHealth
- 515.005: Receiving Public Assistance from Another State
- 515.007: Rights of Applicants and Members
- 515.008: Responsibilities of Applicants and Members
- 515.009: Referrals to Investigative Units
- 515.010: Recovery of Overpayment of Medical Benefits
- 515.011: Estate Recovery
- 515.012: Real Estate Liens
- 515.013: Voter Registration
- 515.014: Long-term-care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515.001: Definition of Terms

The terms listed in 130 CMR 515.001 have the following meanings for purposes of MassHealth, as described in 130 CMR 515.000 through 522.000.

Activities of Daily Living (ADLs) - self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting.

Affidavit - a written or printed statement of fact sworn to or affirmed before a person having legal authority to administer such an oath.

Annuity - a legal instrument that makes payments for a designated period of time or for life, regardless if the payments are principal, interest, or both.

Appeal - a written request, by an aggrieved applicant or member, for a fair hearing.

Appeal Representative - a person who:

- (1) is sufficiently aware of the appellant's circumstances to assume responsibility for the accuracy of the statements made during the appeal process, and who has provided the Board of Hearings with written authorization from the appellant to act on the appellant's behalf during the appeal process;
- (2) has, under applicable law, authority to act on behalf of an appellant in making decisions related to health care or payment for health care. An appeal representative may include, but is not limited to, a guardian, conservator, executor, administrator, holder of power of attorney, or health-care proxy; or
- (3) is an eligibility representative meeting the requirements of 130 CMR 515.001: Appeal Representative(1) or (2).

Applicant - a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application - see "Senior Medical Benefit Request (SMBR)."

Asset Limit - the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets - property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).

Available - a resource that is countable under Title XIX of the Social Security Act.



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Office of Compliance

Regulation Filing To be completed by filing agency

CHAPTER NUMBER: 130 CMR 515.000

CHAPTER TITLE: MassHealth: General Policies

AGENCY: Division of Medical Assistance

THIS REGULATION WAS ORIGINALLY FILED AS AN EMERGENCY:

Published in Massachusetts Register Number: 1179 Date: 04/01/2011

PRIOR NOTIFICATION AND/OR APPROVAL - If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.

Executive Order 485: 12/20/10
Executive Office of Communities and Development: 03/18/11
Massachusetts Municipal Association: 03/18/11

PUBLIC REVIEW - M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.

Date of public hearing or comment period: 03/18/11-04/01/11

SMALL BUSINESS IMPACT - M.G.L. c. 30A section 5 requires each agency to file an amended small business impact statement with the Secretary of the Commonwealth prior to the adoption of a proposed regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

Date amended small business impact statement was filed: 04/22/11

AGENCY CONTACT: Sharon Johnson, MassHealth Publications PHONE: 617-847-3309

ADDRESS: 100 Hancock Street, Quincy, MA 02171

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: Sharon R. Johnson DATE: 4/26/11

MAY 13 2011

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: #1182

DATE: 5/13/11

EFFECTIVE DATE: *5/13/11*

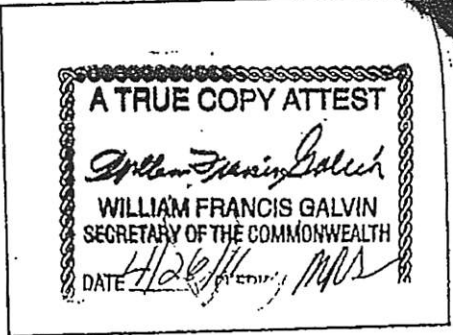
CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:

Insert these pages:

771 - 778.6

771 - 778.6



130 CMR 515.000: MASSHEALTH: GENERAL POLICIES

Section

- 515.001: Definition of Terms
- 515.002: Introduction to MassHealth
- 515.003: MassHealth Coverage Types
- 515.004: Administration of MassHealth
- 515.005: Receiving Public Assistance from Another State
- 515.007: Rights of Applicants and Members
- 515.008: Responsibilities of Applicants and Members
- 515.009: Referrals to Investigative Units
- 515.010: Recovery of Overpayment of Medical Benefits
- 515.011: Estate Recovery
- 515.012: Real Estate Liens
- 515.013: Voter Registration
- 515.014: Long-term-care Insurance Minimum Coverage Requirements for MassHealth Exemptions

515.001: Definition of Terms

The terms listed in 130 CMR 515.001 have the following meanings for purposes of MassHealth, as described in 130 CMR 515.000 through 522.000.

Activities of Daily Living (ADLs) - self-care activities including, but not limited to, bathing, grooming, dressing, eating, and toileting.

Affidavit - a written or printed statement of fact sworn to or affirmed before a person having legal authority to administer such an oath.

Annuity - a legal instrument that makes payments for a designated period of time or for life, regardless if the payments are principal, interest, or both.

Appeal - a written request, by an aggrieved applicant or member, for a fair hearing.

Appeal Representative - a person who:

- (1) is sufficiently aware of the appellant's circumstances to assume responsibility for the accuracy of the statements made during the appeal process, and who has provided the Board of Hearings with written authorization from the appellant to act on the appellant's behalf during the appeal process;
- (2) has, under applicable law, authority to act on behalf of an appellant in making decisions related to health care or payment for health care. An appeal representative may include, but is not limited to, a guardian, conservator, executor, administrator, holder of power of attorney, or health-care proxy; or
- (3) is an eligibility representative meeting the requirements of 130 CMR 515.001: Appeal Representative (1) or (2).

Applicant - a person who completes and submits an application for MassHealth, and is awaiting the decision of eligibility.

Application - *see* "Senior Medical Benefit Request (SMBR)."

Asset Limit - the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets - property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as "resources" as defined in 42 U.S.C. 1396p(e)(5).

Available - a resource that is countable under Title XIX of the Social Security Act.

DEC 20 2013



Docket # 962

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 130 CMR 515.000

CHAPTER TITLE: MassHealth: General Policies

AGENCY: Division of Medical Assistance

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
These amendments are intended to conform with the changes to eligibility, benefits, and operational processes that have been implemented in accordance with the Affordable Care Act (ACA) and are consistent with the Commonwealth's plans for implementation of the federal Affordable Care Act and related regulations at 42 CFR 433, 435, 440, 447, 457, changes to M.G.L. c. 118E as amended by Chapter 118 of the Acts of 2012 and Chapter 35 of the Acts of 2013, the terms of MassHealth's 1115 Demonstration Projects, and Section 266 of Chapter 224 (State Cost Containment legislation). Specifically, the regulation changes implement the categorical and financial requirements for MassHealth programs authorized by the ACA and changes to the Massachusetts state law.

REGULATORY AUTHORITY: M.G.L. c. 118E, ss. 7 and 12

AGENCY CONTACT: Deborah Briggs, MassHealth Publications PHONE: 617-847-3302

ADDRESS: 100 Hancock Street, Quincy, MA 02171

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *If this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

EO 145 notification: 09/27/13 and 11/08/13
EO 485 approval: 12/06/13

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: 11/04/13 and 12/02/13

DEC 20 2013

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: \$1,404,393,394 (gross). This amount reflects the fiscal impact for all amendments in Titles 101 and 130 amended to reflect the ACA.

For the first five years: \$4,195,689,680 (gross). This amount reflects the fiscal impact for all amendments in Titles 101 and 130 amended to reflect the ACA.

No fiscal effect: _____

SMALL BUSINESS IMPACT - M.G.L. c. 30A section 5 requires each agency to file an amended small business impact statement with the Secretary of the Commonwealth prior to the adoption of a proposed regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

Date amended small business impact statement was filed: 12/05/13

CODE OF MASSACHUSETTS REGULATIONS INDEX -
N/A

List key subjects that are relevant to this regulation:

PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:

130 CMR 515.001 through 515.004, 515.007, 515.009, 515.011, 515.012, 515.014, and 515.015 are being revised.

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. **ATTEST:**

SIGNATURE:  DATE: 12-6-13

Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1250 DATE: 12/20/13

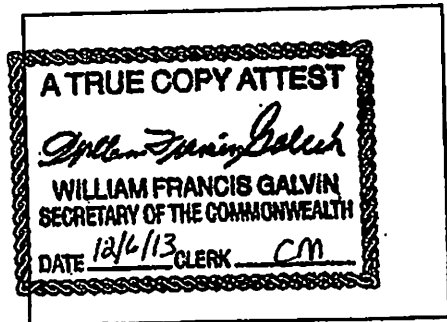
EFFECTIVE DATE: 1/1/14

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages: _____ Insert these pages: _____

771 - 778.6

771 - 778.10



130 CMR: DIVISION OF MEDICAL ASSISTANCE

515.001: continued

Application - see Senior Application.

Asset Limit - the maximum dollar value of assets that can be owned by, or available to, the applicant, member, or the spouse, which if exceeded, results in ineligibility.

Assets - property including, but not limited to, real estate, personal property, and funds. This term has the same meaning as resources as defined in 42 U.S.C. 1396p(e)(5).

Authorized Representative.

(1) A person or organization designated as the authorized representative of an applicant or member in a completed, signed Authorized Representative Designation Form or similar designation document submitted to the MassHealth agency in which the authorized representative agrees to comply with rules regarding confidentiality in the course of representing the applicant or member, provided that such person or organization must satisfy one of the following criteria:

(a) an authorized representative may be a person or organization appointed by the applicant or member to act responsibly on his or her behalf in connection with the eligibility process and other ongoing communications with the MassHealth agency. Such person or organization shall have the authority to complete and sign an application on the applicant's behalf, select a health plan, complete and sign a renewal form, receive copies of the applicant or member's notices and other communications from the MassHealth agency which may include protected health-care information, personal data, and financial information and unless otherwise specified, act on behalf of the applicant or member in all other matters with the MassHealth agency or the Health Connector;

(b) an authorized representative may be a person acting responsibly on behalf of the applicant or member who is sufficiently aware of such applicant's or member's circumstances to assume responsibility for the accuracy of the statements made on his or her behalf during the eligibility process and in other communications with the MassHealth agency. Such person shall have the authority to complete and sign an application on the applicant's behalf, select a health plan, complete and sign a renewal form, receive copies of the applicant or member's notices and other communications from the MassHealth agency which may include protected health-care information, personal data, and financial information; or

(c) an authorized representative may be a person acting responsibly on behalf of the applicant or member who has, under applicable law, authority to act on behalf of such applicant or member in making decisions related to health care or payment for health care including, but not limited to, a guardian, conservator, executor, administrator, holder of power of attorney, or health-care proxy. The extent of such person's authority to act on behalf of the applicant or member is determined by the applicable law or underlying legal document; and

(2) As a condition of any organization serving as an authorized representative under 130 CMR 515.001: Authorized Representative(1)(a), a provider or staff member or volunteer of such organization must not have a conflict of interest and must affirm that he or she will adhere to 42 CFR part 431, subpart F.

Blindness - a visual impairment as defined in Title XVI of the Social Security Act. Generally, "blindness" means visual acuity with correction of 20/200 or less in the better eye, or a peripheral field of vision contracted to a 10° radius or less, regardless of the visual acuity.

Burial Trust - a trust established by an individual solely for funeral expenses, burial expenses, or both.

Business Day - any day during which the MassHealth agency's offices are open to serve the public.

Caretaker Relative - an adult who is the primary caregiver for a child, is related to the child by blood, adoption, or marriage, or is a spouse or former spouse of one of those relatives, and lives in the same home as that child, provided that neither parent is living in the home.